

substituted in whole for egg noodles, which the article purported to be, and for the further reason that it was a product inferior to egg noodles, to wit, a product composed of an alimentary paste containing little or no egg, prepared in imitation of egg noodles, and was colored with a certain coal tar dye, to wit, tartrazine, S. & J. 94, so as to simulate the appearance of egg noodles, and in a manner whereby its inferiority to egg noodles was concealed.

Misbranding of the article was alleged for the reason that the statement, to wit, "Egg Noodles," borne on the boxes containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that the article was egg noodles, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was egg noodles, whereas, in truth and in fact, it was not, but was an artificially colored alimentary paste containing little or no egg.

On July 16, 1919, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$25.

E. D. BALL,
Acting Secretary of Agriculture.

7050. Misbranding of evaporated milk. U. S. * * * v. J. Trump & Sons Mercantile Co., a corporation. Plea of guilty to count 6 of information. Fine, \$50 and costs. Other counts of information nolle prossed. (F. & D. No. 9595. I. S. No. 12150-p.)

On May 9, 1919, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information in six counts against J. Trump & Sons Mercantile Co., a corporation, Kahoka, Mo., alleging shipment by the defendant company, in the sixth count of said information, on or about May 16, 1918, from the State of Missouri into the State of Iowa, in violation of the Food and Drugs Act, of a quantity of an article, labeled in part "Kahoka Brand Evaporated Milk," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

	Per cent.
Fat by Roesse-Gottlieb.....	7.10
Total solids by drying.....	24.73

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Evaporated Milk," borne on the labels attached to the cans containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that the article consisted wholly of evaporated milk, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of evaporated milk, whereas, in truth and in fact, it did not so consist, but consisted of a mixture composed in part of an insufficiently condensed milk low in fat and total solids, and for the further reason that it was a mixture composed in part of an insufficiently condensed milk product low in fat and total solids prepared in imitation of evaporated milk and was offered for sale and sold under the distinctive name of another article, to wit, evaporated milk.

On May 26, 1919, the defendant company entered a plea of guilty to said sixth count of the information, and the court imposed a fine of \$50 and costs. A nolle prosequi was entered as to the first five counts of the information.

E. D. BALL,
Acting Secretary of Agriculture.